1

2

3

4

5

6

7   UNITED STATES DISTRICT COURT
        EASTERN DISTRICT OF WASHINGTON
8

9 UNITED STATES OF AMERICA,

10   Plaintiff,   NO. CR-11-058-RHW

11   v.   **ORDER DENYING
                                       DEFENDANT'S MOTION TO
12 JAMES ROBERT SORRELL,   DISMISS,** *INTER ALIA*

13   Defendant.

14

15   Before the Court is Defendant's Motion to Dismiss the Indictment (ECF No.

16 24). Alternatively, Defendant moves for Leave to File Additional Motions (ECF No.

17 32). A hearing was held on June 1, 2011. Defendant was present and represented by

18 Robert Fischer. The Government was represented by Matthew Duggan. After hearing

19 oral argument and considering the parties' submissions, the Court finds that dismissal

20 is not warranted and therefore denies Defendant's Motion to Dismiss. Given this, the

21 Court grants Defendant's Motion for Leave.

22   The trial in this matter, scheduled for June 13, 2011, is reset to July 13, 2011

23 in order to allow Defendant time to make additional pretrial motions.

24   Accordingly, **IT IS HEREBY ORDERED**:

25   1. Defendant's Motion to Dismiss (ECF No. 24) is **DENIED.**

26   2. Defendant's Motion for Leave to File Additional Motions (ECF No. 32) is

27 **GRANTED**.

28   3. The jury trial set for June 13, 2011, is **stricken**. A jury trial is **set** for **July**

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS AND
RESETTING TRIAL DATE,** *INTER ALIA* * 1

13, 2011, in Spokane, Washington. Counsel and defendant shall appear at 8:30 a.m. the first day of trial; jury selection shall begin at 9:00 a.m.

4. A pretrial conference shall be scheduled if the parties deem, or subsequent motions make, it necessary.

5. Pursuant to 18 U.S.C. §§ 3161(h)(1)(D) & (H), the time between May 11, 2011, the date on which Defendant filed the Motion to Dismiss, and the date of this Order is **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy Trial Act.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward copies to counsel.

DATED this 13th day of June, 2011.

s/Robert H. Whaley
ROBERT H. WHALEY
United States District Court

Q:\aCRIMINAL\2011\Sorrel\denydismiss.ord.wpd

ORDER DENYING DEFENDANT'S MOTION TO DISMISS AND RESETTING TRIAL DATE, *INTER ALIA* * 2